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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

ERIN GURSSLIN,

Plaintiff,

Civil Action No. 20-cv-6508

v.

THE CITY OF ROCHESTER, a municipal entity, POLICE  
OFFICER JEREMY NELLIST, POLICE OFFICER JOSHUA  
KELLY, COMMANDER FABIAN RIVERA, LIEUTENANT AARON  
SPRINGER,

Defendants.

Video-recorded Deposition Upon Oral Examination of:

Officer Jeremy Nellist

Location: Alliance Court Reporting, Inc.  
109 South Union Street, Suite 400  
Rochester, New York 14607

Date: February 24, 2023

Time: 10:00 a.m.

Reported By: KIMBERLY A. BONSIGNORE  
Alliance Court Reporting, Inc.  
109 South Union Street, Suite 400  
Rochester, New York 14607



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1 A P P E A R A N C E S

2 Appearing Remotely on Behalf of Plaintiff:

3 Elliot D. Shields, Esq.  
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5 192 Lexington Avenue, Suite 802  
6 New York, New York 10016  
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8 Appearing on Behalf of Defendant:

9 Peachie L. Jones, Esq.  
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15 Also Present:

16 Peter H. Colucci, Videographer  
17 Alliance Court Reporting, Inc.  
18 109 South Union Street, Suite 400  
19 Rochester, New York 14607

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1 OFFICER JEREMY NELLIST - BY MR. SHIELDS

10:14:14 2 today is Kim Bonsignore of Alliance Court Reporting.

10:14:17 3 The witness may be sworn in.

10:14:17 4 OFFICER JEREMY NELLIST,

10:14:17 5 called herein as a witness, first being sworn,

10:14:17 6 testified as follows:

10:14:25 7 EXAMINATION BY MR. SHIELDS:

10:14:25 8 Q. Good morning, Officer Nellist. My name is  
10:14:31 9 Elliot Shields. I represent a woman named Erin  
10:14:34 10 Gursslin, whose dog, Nina, was shot and killed in her  
10:14:37 11 yard, and I'm going to ask you some questions today.

10:14:41 12 First I'm just going to go over the ground  
10:14:44 13 rules for the deposition. Will you tell me if you  
10:14:48 14 don't understand my question?

10:14:49 15 A. Yes.

10:14:50 16 Q. And will you tell me if you find my  
10:14:53 17 question confusing?

10:14:55 18 A. Yes.

10:14:56 19 Q. Will you tell me if I have assumed an  
10:15:00 20 incorrect fact in my question?

10:15:02 21 A. Yes.

10:15:02 22 Q. And will you tell me if you don't know the  
10:15:06 23 answer to my question?

10:15:07 24 A. Yes.

10:15:08 25 Q. And will you need me to remind you of the



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1 OFFICER JEREMY NELLIST - BY MR. SHIELDS

10:57:10 2 Q. Does the RPD train you that you don't have  
10:57:14 3 to obtain a warrant before entering the curtilage to a  
10:57:18 4 home?

10:57:20 5 A. Yes.

10:57:22 6 Q. And have you ever obtained a warrant  
10:57:25 7 before entering the curtilage to a home?

10:57:27 8 A. I'm sorry. Can you repeat the question?

10:57:33 9 Q. Since you began working with the RPD until  
10:57:37 10 today, have you ever obtained a warrant before  
10:57:39 11 entering the curtilage to a property?

10:57:42 12 A. I have not, no.

10:57:44 13 Q. And the RPD trains you that you don't have  
10:57:48 14 to obtain the homeowner's consent if you're simply  
10:57:53 15 cutting across the curtilage to their property?

10:57:55 16 MS. JONES: Objection.

10:57:56 17 A. Correct.

10:57:57 18 Q. And the RPD trains you that, in the  
10:58:01 19 absence of a warrant or consent, you can enter  
10:58:05 20 someone's fenced-in backyard even if you don't believe  
10:58:10 21 a crime is being committed there, in that backyard, if  
10:58:14 22 you're simply cutting across the yard?

10:58:18 23 MS. JONES: Objection.

10:58:18 24 A. Correct.

10:58:18 25 Q. After the plan was put together for the



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1 OFFICER JEREMY NELLIST - BY MR. SHIELDS

01:07:10 2 Q. Okay. What different sniper schools have  
01:07:12 3 you been to?

01:07:13 4 A. I've been to an advanced sniper school put  
01:07:16 5 on by -- put on by a retired FBI HRT sniper, and then  
01:07:24 6 I went to sniper instructor school put on by Center  
01:07:32 7 Mass in Macon, Georgia.

01:07:32 8 Q. Center Mass, like -- is that referring to  
01:07:37 9 part of the body?

01:07:38 10 A. That's just the name of the company.  
01:07:40 11 Center Mass.

01:07:41 12 Q. Okay. And is the name spelled like you  
01:07:46 13 would say center mass to somebody's body?

01:07:47 14 A. I don't know how it's spelled. I'm  
01:07:53 15 assuming so, yes.

01:07:53 16 Q. Okay. At any of those trainings, did you  
01:07:56 17 learn anything about interactions with dogs?

01:07:58 18 A. No.

01:07:59 19 Q. Okay. At any of those trainings, did you  
01:08:01 20 learn anything about the legal requirements to enter  
01:08:04 21 the curtilage to a property?

01:08:06 22 A. No.

01:08:07 23 Q. Did you ever receive any additional SWAT  
01:08:25 24 training on techniques for remaining calm in tense or  
01:08:31 25 dangerous situations?



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1 OFFICER JEREMY NELLIST - BY MR. SHIELDS

01:30:54 2 Q. Have you ever been disciplined for using  
01:30:58 3 force against the person?

01:30:59 4 A. No.

01:31:00 5 Q. Have you ever been a defendant in a  
01:31:06 6 lawsuit other than this lawsuit?

01:31:09 7 A. No.

01:31:12 8 Q. Does the RPD require officers to use  
01:31:20 9 de-escalation techniques in situations with aggressive  
01:31:26 10 people?

01:31:26 11 A. Yes.

01:31:26 12 Q. Does the RPD require officers to use  
01:31:29 13 similar de-escalation techniques in situations with  
01:31:34 14 aggressive dogs?

01:31:37 15 A. If there is time to react to a dog, then  
01:31:43 16 you use some of the techniques that I've already  
01:31:48 17 discussed. The baton, maybe pepper spray, if there's  
01:31:54 18 time.

01:31:54 19 Q. Did you ever learn how to use, for  
01:31:57 20 example, body language with a dog that you perceive as  
01:32:03 21 aggressive to de-escalate with the dog?

01:32:10 22 A. Yes. I've learned, like, speak loudly at  
01:32:15 23 the dog, tell him to stay. That's about it.

01:32:21 24 Q. Okay. And when did you learn those  
01:32:26 25 techniques?



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